

**REGULAR MEETING OF THE BOARD OF TRUSTEES  
OF THE  
DOWNERS GROVE PUBLIC LIBRARY  
March 25, 2009**

**MINUTES**

**ROLL CALL**

President Daniels called the meeting to order in the Library Meeting Room at 7:30 p.m. Trustees present: Eblen, Greene, Humphreys, and Daniels. Trustees absent: DiCola, Read. Also present: Library Director Bowen, Assistant Library Director Carlson. Visitors: Reference & Information Services Coordinator Bonnie Reid.

**APPROVAL OF MINUTES**

The Board reviewed the minutes of the regular meeting of March 11, 2009. It was moved by Greene and seconded by Eblen **THAT THE MINUTES OF THE REGULAR MEETING OF MARCH 11, 2009 BE APPROVED AS WRITTEN.** Ayes: Eblen, Greene, Humphreys, Daniels. Abstentions: none. Nays: none. Motion carried.

Trustee DiCola arrived at 7:33 PM.

**PAYMENT OF INVOICES**

The Board reviewed the list of invoices submitted for payment. It was moved by Greene and seconded by DiCola **TO APPROVE PAYMENT OF OPERATING INVOICES FOR MARCH 25, 2009 TOTALING \$58,922.79.** Ayes: DiCola, Eblen, Greene, Humphreys, Daniels. Abstentions: none. Nays: none. Motion carried.

**OPPORTUNITY FOR PUBLIC COMMENT ON AGENDA ITEMS**

None.

**OLD BUSINESS**

None.

**NEW BUSINESS**

**– Review and adoption of the revised Interlibrary Loan Policy**

As discussed at previous meetings, the Metropolitan Library System used to process all of the out-of-state interlibrary loans for MLS member libraries. They are eliminating that service beginning the first of April, and each library will be responsible for handling all of its own interlibrary loan requests. The library's current policy was based on the MLS service; MLS determined the fees, and the library passed on all fees to patrons. Now the library will determine fees charged to patrons. Many public libraries and some academic libraries participate in LVIS (Libraries Very Interested In Sharing). LVIS libraries agree not to charge for interlibrary loans and photocopies. The draft of the revised ILL policy that was in the Board packet did not include a recommendation for fees to be charged to non-LVIS libraries, because staff was still

researching what those fees typically are. A new page 2 was provided with the suggested fees for loans to other libraries.

It was moved by Humphreys and seconded by DiCola **TO ADOPT THE REVISED INTERLIBRARY LOAN POLICY**. Ayes: DiCola, Eblen, Greene, Humphreys, Daniels. Abstentions: none. Nays: none. Motion carried.

#### **– Review and adoption of the revised Reference Services Policy**

The Board is scheduled to review the Reference Services Policy every 3 years, and it also one of the policies that the library is required to review this year for the State Per Capita Grant.

Staff did not identify many changes for the policy, other than eliminating the references to MLS services. Since the time the original policy was written, MLS has eliminated the back-up Reference Service and now the System Interlibrary Loan Service, so there are now no MLS services that pertain directly to providing library reference service. The other revisions to the policy reflect changes in technology. The current policy refers to the patron's visit or telephone call, and staff proposed changing telephone call to contact, rather than listing telephone, email, IM, or other virtual reference contact.

Staff did add scanning and emailing to the ways that the library can provide information. However, most of the current requests are for photocopies of materials. The library proposes increasing the fees for copying information and sending it to patrons who prefer not to visit the library. The library does not charge these fees to residents who are physically unable to come to the library, but the staff feels the fees are necessary to prevent some residents from taking unfair advantage of the service.

It was moved by Greene and seconded by Eblen **TO ADOPT THE REVISED REFERENCE SERVICE POLICY**. Ayes: DiCola, Eblen, Greene, Humphreys, Daniels. Abstentions: none. Nays: none. Motion carried.

#### **– Discussion of a potential sponsor of the Children's Summer Reading Club**

In the Board packet, Bowen reported that the library has been contacted by the owners of My Favorite Toy Store who would like to provide the top prize for completing the Children's Summer Reading Club. The prize would be a coupon that would be used to select a toy from a Summer Reading Club toy bin in the store. They will guarantee that all of the toys are safe and in compliance with the new Consumer Product Safety Commission regulations on lead-based paint. They also agree to provide enough age-appropriate toys for every child who qualifies for the coupon. Their Elmhurst store has done this for the Elmhurst Public Library for several years, so they do understand what they are committing to. Elmhurst staff has verified that the toys provided are appropriate.

From the staff's perspective, this is a great advantage. Toys are the most popular Summer Reading Club prize, and last year the library gave up toy prizes because of fear of lead paint on the toys that the library can afford. This puts the responsibility for the toys on the toy store which has to comply with the new regulations for lead and has the industry contacts to obtain appropriate, safe toys.

The payoff for the toy store is that every child who successfully completes the Summer Reading Club will visit the store. Since the store is located on the corner of Curtiss and Main Streets, it is within easy walking distance of the library.

Each year the library has had generous support from local businesses in the form of coupons used for prizes for “extra” reading. Local civic groups including the Kiwanis Club and Friends of the Library have given contributions for “big” programs each year. However, this is the first time a local business has offered to support a library program to such a degree. While staff are interested in accepting this generous offer, Bowen wanted to give the Board an opportunity to express any concerns about such cooperation.

Trustees agreed that this was a good idea and was not a departure from what the library has done with other local businesses. Humphreys asked that the library convey the Board’s thanks to the store.

### **REPORT FROM THE ADMINISTRATION**

The library received the property tax extensions from the County Clerk which show the current equalized assessed valuation of property in Downers Grove and the tax rate that will be levied to collect the property tax levy. The TIF value of Downers Grove actually increased 5.6%, so the property tax rate for the library on the tax bill this year will decrease slightly over last year’s rate. On the other hand, none of the property tax reassessments published in the current *Downers Grove Reporter* were reassessed for more than the original assessed value. Bowen suspects that the library will not see a similar increase of the total assessed valuation of the Village next year.

Illinois SB 212 and HB 2502 have made it to their second reading. They amend the property tax cap act to set the minimum increase under the tax cap at 2%. Currently it is 5% or the CPI, whichever is less, and the CPI has been less than 2% many times, with devastating effect on schools and libraries. While the tax caps do not affect the library directly, this news does indicate that the legislature is beginning to understand that tax-funded bodies have been hurt by the caps.

The Board packet contained the financial reports for February. It is still early in the fiscal year, so Bowen is just watching to see how things develop. He expects to spend a little time reviewing the financial situation with the Board in April.

Trustees should have received the Statement of Economic Interest from the County Clerk’s Office a few weeks ago, and Bowen reminded them to complete and return these before the deadline as there is a late fee.

Bowen clarified the confusion over TCD3 meetings for local governing bodies and for Village Boards and Commissions. Library Board members recently received invitations to a retreat for Village Boards and Commissions scheduled for Saturday, May 2, and they will shortly be receiving invitations to attend the Governing Boards Workshop on Thursday evening, April 30. Library Trustees need only attend the April 30 meeting.

Unlike all of the other Village Boards and Commissions that are advisory bodies, the Library Board is a policy-making, taxing body. The Village staff who organized TCD3 have always included the Library Board in the Governing Bodies sessions. Other staff who are organizing the Board and Commission Retreat were working from the list of Boards appointed by the Council, which includes the Library Board, and did not realize that the Library Board is a governing body, not an advisory body.

Bowen requested that the next Board meeting which would be April 8 be cancelled as he will be observing the first night of Passover and not be at the meeting. He will keep the meeting on the calendar in case something comes up, but at this time there is nothing that the Board must

address at the next meeting. He will officially announce that the meeting is cancelled with the email that would normally contain the Board Packet.

### **TRUSTEE REQUESTS FOR INFORMATION AND ANNOUNCEMENTS**

Trustee Humphreys asked what the success rate is for Unique Management, the collection service used by the library. Bowen will find out and report at the next meeting.

### **OPPORTUNITY FOR PUBLIC COMMENT**

None.

### **ADJOURNMENT**

The meeting was adjourned at 8:30 p.m.

**VILLAGE OF DOWNERS GROVE  
ZONING BOARD OF APPEALS  
MINUTES OF FEBRUARY 25, 2009 MEETING**

**Call to Order:**

Chairman White called the meeting to order at 7:30 PM.

**Roll Call:**

**Present:** Mr. Benes, Mr. Domijan, Ms. Earl, Mr. Isacson, Mr. LaMantia, Ms. Majauskas, Ch. White

**Absent:** None

**A quorum was established.**

**Staff:** Jeff O'Brien, Planning Manager, Stan Popovich, Planner

**Minutes of January 28, 2009**

**Mr. Domijan made a motion to approve the minutes of the January 28, 2009 Zoning Board of Appeals meeting as presented. Mr. Benes seconded the Motion.**

**AYES:** Mr. Domijan, Mr. Benes, Ms. Earl, Mr. Isacson, Mr. LaMantia, Ch. White

**NAYS:** None

**ABSTAIN:** Ms. Majauskas (did not receive copy)

**The Motion passed unanimously.**

**Meeting Procedures**

Chairman White said there were two items to be heard on the Agenda, the first of which is a continuation from the January 28, 2009 meeting. Chairman White then reviewed the procedures to be followed during the public hearings, and called upon anyone intending to speak before the Board to rise and be sworn in. Chairman White explained that there are seven members on the Zoning Board of Appeals, and for a requested variation to be approved, there must be a majority of four votes in favor of approval. He added that the Zoning Board of Appeals has authority to grant the petition, without further recommendation to the Village Council.

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**ZBA-01-09** A petition seeking a front yard setback variation for property located at the Northwest corner of Chicago and Florence Avenues, commonly known as 300 Chicago Avenue, Downers Grove (PIN 09-04-304-033); Mary Liz Slowik & Stephen Ruck, Petitioners; Mary Liz Slowik, Owner.

**Petitioner's Presentation:**

Mr. Stephen Ruck, co-petitioner and fiancé of Mary Liz Slowik, Owner and co-petitioner for the property located at 300 Chicago Avenue, explained he and Ms. Slowik have chosen to reside in her home on Chicago Avenue, rather than in his home in Plainfield, because it is closer to the city. The subject property is a corner home and in need of additional space. It contains one bathroom on the second floor, and one bathroom on the first floor. The house is legal nonconforming with the front property line extending over the required boundary. The only reasonable means of expansion would be off of the north side of the building. Mr. Ruck described the surrounding property stating an addition would not impact the surrounding neighbors. Mr. Ruck said it will remain a single-family home. Their intention is to simply expand the downstairs level with a master bedroom and closet space.

Ms. Slowik said they love the house. It has been in Downers Grove for more than 70 years, and they want to bring the property up to date to accommodate today's lifestyle and to have better access for a first floor master bedroom and bathroom.

Mr. Benes asked about the sketches supplied for the improvements and whether the petitioners worked with an architect to assure that the plan is structurally sound. Mr. Ruck said they did consult an architect to assure that the house addition is feasible. The house is concrete block and the north wall is not the bearing wall. The architect said they cannot add any weight on that bearing wall; however, the remaining area is concrete block.

In response to Mr. Domijan, Mr. Ruck pointed out the existing garage would be demolished and rebuilt, and would run along the north side of Chicago Avenue. Ms. Slowik said it would be against a vacated blind alley.

Ms. Earl asked for clarification as to the proposed location of the rebuilt garage. Mr. Ruck said it would be moved back to the west. The vacated alley belongs to them. They will not build it closer than the required five feet. They will have to lengthen the driveway.

Ms. Majauskas said she did not receive the entire packet and has no copy of the aerial photos. She said she understood that they want to extend northward. She asked if they also want to extend west, and Mr. Ruck said they do, but it is still within the legal footprint. Ms. Majauskas said she drove past the house and wanted to clarify the location of the addition.

**Staff's Presentation**

Mr. Stan Popovich, Village Planner, explained the petitioner is requesting a front yard setback variation to permit an addition to be constructed north of the existing house, which would be 12 feet from the Florence Avenue front property line, where a 24-foot front yard setback is required. He explained the addition would be to the north of the existing house, the existing garage would be removed and replaced by a Code-compliant garage. Mr. Popovich said the proposed addition would be 12 feet away from the property line. He explained the formula to determine the front

yard setback requirement for the specific zoning district, stating the petitioner is allowed to request up to a 50% variance, which they are requesting. He used overhead projections to depict the existing location of the house and garage as well as the proposed changes with the addition to the house and the rebuilt garage.

Mr. Popovich noted staff's findings as stated in its report dated February 25, 2009, are that there is no physical hardship or unique circumstance associated with the property. He then reviewed the standards required to obtain a variance. Based upon those standards per Section 28.1803 of the Zoning Ordinance, staff believes those requirements have not been met, and, therefore, recommends denial of the requested variations as there are other options the owners could employ. Mr. Popovich asked that if the Zoning Board finds to grant the requested variation, the variance should be subject to the addition complying with the sketches prepared by the petitioner dated January 26, 2009.

Mr. Popovich said the neighbor to the north of the property had no significant concerns regarding the variance.

Mr. Benes asked where the 12 foot figure was obtained. Mr. Popovich used an overhead to show how that number was derived.

Mr. Benes noted the area was developed in 1935 and looking at the aerial photograph almost every home in the area is noncompliant with Village Ordinances. The house directly north is literally built on the lot line. Mr. Popovich cautioned while the aerial is accurate it is not necessarily precise based on geographical information. Staff relies on the data shown on the plat of survey. He noted the house at 301 Indianapolis is relatively close the property line, but probably not on or over the line.

Mr. Benes noted the ordinance has had changes since 1935. This subdivision was not made under any ordinance. He thinks staff is pressing the owners by suggesting only two options of either denying the variance, or moving the entire house farther back on the lot. Mr. Popovich responded that the Village allows existing nonconformities to remain in place. Additions to nonconformities must come in compliance with the Zoning Ordinance.

Chairman White asked about the difference between an attached or detached garage and whether an attached garage would make a difference. Mr. Popovich said with an attached garage it would be a 20 foot setback from the north property line, since the detached garage is considered an accessory structure the requirement is five feet. There is a 10 foot required separation from house wall to garage wall. Mr. Popovich noted the detached garage as shown is Code-compliant.

Ms. Majauskas said she assumed this was the only document received regarding how the addition will look. She said this is obviously not an architecturally prepared drawing. If the Board were to grant the variance, she asked how close to the drawing is considered within the parameters of the variance. Mr. Popovich said the petitioner will be required to have the east wall of the addition no closer than 12 feet from the Florence Avenue property line and the walls could run no more 16 feet to the north. It will also have to meet setback requirements on the west. Ms. Majauskas then asked if the only figures of concern are the 12 feet from Florence Avenue and the 16 feet running north. Mr. Popovich said if they chose to change the garage dimensions, they could do so as long as it was in compliance with the Code.

Mr. Isacson asked about the variance granted for this property in May of 2001, and whether any precedent was set by that Zoning Board of Appeals decision. The Board at that time presumably saw reason to allow the variance. He asked for historical literature from that meeting. Mr. Popovich said there was no lengthy discussion according to the minutes. Mr. LaMantia said this request appears to be similar to the request made at that time. Mr. Popovich said it was similar to that petition.

Chairman White asked if there was anyone who wished to speak either in favor of or in opposition to the petition, and there was no one. He called upon the petitioner for any final comments.

Mr. Ruck said they met with the architect two weeks ago to prepare for this meeting. He noted some changes in the figures as shown, saying the 16 foot figure should be 15 feet wide. Also, the addition is 41 feet long rather than 42 feet.

Chairman White noted this is almost identical to what was requested eight years ago.

There being no further questions for the staff or petitioners, Chairman White closed the opportunity for further public comment.

### **Board's Deliberation**

Mr. Benes commented he sees that the property does not conform to the present code. The owners have a choice to remain in the house and modernize it, and they can only do that with a variance. This is a problem in the Village since there are many old neighborhoods such as this, some of which are experiencing teardowns. He thinks the variation of 12 feet from the Florence Avenue property line is in order.

Chairman White said a similar variation was given on this property eight years ago, which expired due to lack of action on the part of the owner within a year of obtaining the variance.

Chairman Benes said he does not think history has an impact on this request.

Chairman White said by allowing the variation it becomes less necessary to have a teardown and makes use of the property easier. The prior owner apparently had the same idea.

Ms. Earl said even though the addition is coming forward, they are pushing the garage back. They are following the building code as shown, by pushing that garage back to be within code.

Chairman White asked for a motion.

**Mr. Benes made a motion that the requested front yard setback variation for case ZBA-01-09 be granted as requested with the following condition:**

- 1. The addition shall comply with the sketches prepared by the petitioner dated January 26, 2009.**

**The motion was seconded by Ms. Earl.**



**AYES: Mr. Benes, Ms. Earl, Mr. Domijan, Mr. Isacson, Mr. LaMantia, Ms. Majauskas, Chairman White**

**NAYS: None**

**The Motion passed unanimously.**

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**ZBA-03-09** A petition seeking a side yard setback variation for property located on the North side of Bunning Drive, approximately 75 feet East of Grand Avenue, commonly known as 436 Bunning Drive, Downers Grove, IL (PIN 09-17-207-016); James F. Russ, Jr., Petitioner; Vince Topic, Owner.

**Petitioner’s Presentation:**

Mr. James Russ, Attorney and Applicant for the Owner, Vince Topic, stated the petitioner is requesting a variation for a garage extension along the west property line. The home was built in the 1960s with a setback at 5 feet. The required side yard setback for this property is 7.5 feet. Mr. Russ said the Topics are looking to expand their home, and given the economic times believe an expansion makes more sense than to purchase another home. They are going to move the garage forward which would create a U-shape to the ranch style residence. The floor plan demands that the garage be moved forward to reconfigure the existing layout. Adding to the rear would make for a nonfunctional floor plan for the home.

Mr. Russ said the petitioners reviewed several options before requesting the variation, including adding a second floor which was not in keeping with the character of the existing homes. They considered reducing the width of the garage by 2.5 feet; however, that would not accommodate today’s larger cars. They also considered moving the entire garage 2.5 feet east, which would shrink the courtyard area. Based on those considerations, the variation appears to be the most logical request to expand and reconfigure the home. The size of the garage is important based on the size of the vehicles. Mr. Russ showed on an overhead the configuration of the property and how moving forward on the site is the most logical way to construct the addition.

The distance between the home to the immediate west of the subject property and the subject property is 15 feet. Under Section 28.1802(b) the Board is authorized to grant up to a 50% reduction in required yards. The petitioner’s request is less than a 50% reduction. Section 28.1803 also provides for criteria to review the request for a variation. He then reviewed those standards, saying the variation is in harmony and character with the Zoning Ordinance and is a result of the change in the Zoning Ordinance from the time the home was built. He noted in each standard, the petitioner believes they have met the standard required based upon the age of the home, the size and characteristics of the property and character of the surrounding neighborhood. Mr. Russ said the request is in harmony with the intent of the Zoning Ordinance, is in character with the neighborhood, the surrounding homes were all built with 5 foot setbacks, the request is consistent with the existing setback on the west side of the property and the petitioners have investigated other options.

He asked that the variation be granted by the Board, noting that a statement from the neighbors immediately to the west of the property supporting the variation was included in the Board’s

packet. There were one or two inquiries by neighbors who were only interested in what the variation was about, and were not objecting to the request.

Mr. Benes noted a landfall or drainage area in the back yard of the home and commented that building the garage in front of the land pitch does not appear to create a drainage problem.

### **Staff's Presentation:**

Mr. Stan Popovich, Village Planner, described the variation being requested to allow a 5-foot setback for the garage, rather than the required 7.5 feet. He said the existing home is 5 feet away from the west side property line and is legally nonconforming. He used an overhead projection to show the distance from the property line. According to the Zoning Ordinance, nonconformity cannot be increased, and that is why the variation is being sought. Mr. Popovich said staff has spoken with two neighbors who had no problems with the petition. He noted staff's review of the standards for a variation in the staff report dated February 25, 2009.

Mr. Popovich said staff believes there is no physical hardship or unique circumstance associated with this property. Based on the analysis in staff's report dated February 25, 2009, and the review of the Standards for granting a variation per Section 28.1803 of the Zoning Ordinance, staff believes the standards have not been met and recommends denial of the requested variation. He stated if the request is granted, the variance should be subject to the condition that the proposed addition shall substantially conform to the architectural plans prepared by Image in Design Architecture, Inc., dated September 10, 2008 and the Plat of Survey prepared by Professional Land Surveying, Inc., dated September 24, 2008 attached to staff's report, except as such plans may be changed to conform to Village Codes, ordinances, and policies.

There were no questions of staff, and no one from the public to speak either in favor of or in opposition to the petition.

Chairman White closed the opportunity for further public testimony.

### **Board Deliberation:**

Ms. Earl said that the neighbors most affected have submitted a letter saying they support the request so she sees no problem.

Mr. Benes commented to the Village that he appreciated staff's use of the term "legal" nonconforming homes, rather than nonconforming homes.

**Mr. Benes made a motion that in case ZBA-03-09, the side yard setback variation be granted as requested with the following condition:**

- **The proposed addition shall substantially conform to the architectural plans, prepared by Image in Design Architecture, Inc. dated September 10, 2008 and the Plat of Survey, prepared by Professional Land Surveying, Inc. dated September 24, 2008 attached to this report except as such plans may be changed to conform to Village codes, ordinances, and policies.**

**Mr. Domijan seconded the motion.**

**AYES: Mr. Benes, Mr. Domijan, Ms. Earl, Mr. Isacson, Mr. LaMantia, Ms. Majauskas, Chairman White**

**NAYS: None**

**The Motion passed unanimously.**

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Mr. O'Brien said there will be no meeting on March 25, 2009.

Mr. O'Brien noted the new Zoning Map was approved by Council last week, and he asked whether all Board members use the printed Zoning Map or the online resources. The consensus was that most use the printed map.

Mr. O'Brien reminded the Board that the first TCD-III meeting will be held next week at South High School, and he hoped they would attend.

Mr. Benes mentioned that there is a survey on the Internet regarding TCD-III. Chairman White said there is a survey deadline of March 28<sup>th</sup>.

There being no further business, Chairman White adjourned the meeting at 8:46 PM.

Respectfully submitted,

Tonie Harrington  
Recording Secretary